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Transmission Date: **17 February 2009** Docket: **1009-040**

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Reply to Notification of Non-Compliant Appeal Brief (2 sheets)

Application Number 10/666,227
Confirmation No.: 8462
Filing Date: 18 September 2003
Document Submission Date: 17 February 2009

Art Unit: 2178
Examiner: Termanini, Samir
Inventor: Poerner, Colleen
Docket: 2002P15657US01 (1009-040)

17 Feb 2009

Date

Kelly B. Smoker

Name of Certifier

Kelly B. Smoker

Signature of Certifier

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Application 10/666,227

Attorney Docket 2002P15657US01 (1009-040)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Poerner, Colleen
Application 10/666,227
Confirmation 8462
Filed 18 September 2003
Application Title System and Method for Navigating an HMI
Art Unit 2178
Latest Examiner Termanini, Samir

Mail Stop Appeal Brief-Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
UNDER 37 C.F.R. §41.37**

Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed on 2 February 2009 (the "Notification"), Applicant respectfully traverses.

The Notification alleges that "The Appeal Brief filed on 23 December 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37", and further alleges that "The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii))."

Applicant respectfully notes that the relevant portion of 37 CFR 41.37(c)(1)(vii) merely requires that "[e]ach ground of rejection must be treated under a separate heading."

Applicant respectfully notes that in the Appeal Brief filed on 23 December 2008, "[e]ach ground of rejection [is] treated under a separate heading", as evidenced by the heading "The

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Application 10/666,227

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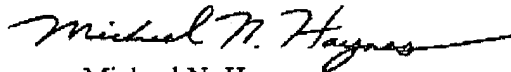
Rejections Under 35 U.S.C. 103(a)" immediately preceding the arguments appearing on pages 14-49. Moreover, although not required by 37 CFR 41.37(c)(1)(vii), for the convenience of the reader, Applicant has gone beyond the requirements of 37 CFR 41.37(c)(1)(vii) and provided a heading for each claim to which the sole ground of rejection applies (see e.g., heading for claim 1 on page 22, heading for claim 2 on page 24, etc.).

If for any reason the Office interprets 37 CFR 41.37(c)(1)(vii) as requiring something other than the explicit heading that immediately precedes the arguments referenced above, Applicant respectfully invites the Office to explain its interpretation in detail, providing support for that interpretation from 37 CFR 41.37(c)(1)(vii). Otherwise, Appellant respectfully requests prompt withdrawal of the Notification and timely forwarding of the Appeal Brief to the Board of Patent Appeals and Interferences for a decision on the merits.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC



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Date: 17 February 2009

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